

AO91 (Rev. 8/01) Criminal Complaint

UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

TEXAS

US MAGISTRATE COURT
GRG-SDTX
FILED

AUG 11 2014 3C

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

David J. Bradley, Clerk
Laredo Division

V.

Heberto MADRIGAL JR
San Antonio, TX
US

Case Number: 514MJ1056-1

Next Atty
75K4S
PE 8/22/14

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about August 08, 2014 in Webb County, in the Southern District of Texas Heberto MADRIGAL JR defendant(s), knowing that certain persons, Jordi Frederick BENTUROS-Perez and Mateo GONZALEZ-Torres are aliens, bring to or attempt to bring to the United States in any manner whatsoever such persons at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such aliens have received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to certain aliens, a felony,

in violation of Title(s) 8 United States Code, Section(s) 1324
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts: Based on statements of the accused and records of the U.S. Department of Homeland Security.

Continued on Affidavit

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Brian Mitchell /S/
Signature of Complainant

Brian Mitchell
Printed Name of Complainant

Sworn to before me and signed in my presence,

August 11, 2014
Date

at Laredo, Texas
City and State

Guillermo Garcia, U.S. Magistrate Judge
Name and Title of Judicial Officer

Guillermo Garcia
Signature of Judicial Officer

AFFIDAVIT

In support of Criminal Complaint

**UNITED STATES OF AMERICA
V.****CRIMINAL COMPLAINT**

Heberto MADRIGAL JR

Case Number:

514M11056-1

ENCOUNTER/ARREST:

On August 7, 2014, Border Patrol Agent (BPA) began tracking foot prints eastbound from Welhausen Road in Oilton, Texas. This particular area is within 40 miles of the international boundary with Mexico and is heavily used by narcotics and alien smugglers to circumvent Border Patrol checkpoints in the area. A common trend for brush guides is to guide groups through the brush and get picked up by a vehicle on the other side of Highway 359 Border Patrol Checkpoint.

After BPA tracked the foot sign for over a mile, BPA encountered a group of subjects hiding inside some thick brush. The subjects began to abscond in different directions, but the BPA was able to apprehend one individual later identified as MADRIGAL Jr., Heberto. MADRIGAL Jr. was questioned as to his immigration status and he responded he was a United States citizen. MADRIGAL Jr. stated he was from San Antonio, Texas, but was born in Laredo, Texas. MADRIGAL Jr. was in possession of a flashlight attached to his head, a compass and two cell phones. These items are commonly used by brush guides to assist undocumented immigrants circumvent United States Border Patrol checkpoints in order to avoid inspection. MADRIGAL Jr. was advised that he would be placed under arrest for alien smuggling and that he would be taken to the Hebbronville Border Patrol Station for further investigation.

BPA continued to track the foot prints of the rest of the group who absconded in the immediate area and with the assistance of CBP Air Liberty Unit and other BPAs, five other aliens were apprehended. All apprehended subjects admitted to being unlawfully present in the United States who had not been inspected, admitted, paroled in the United States or had any documents permitting them to enter, remain in or travel through the United States.

MIRANDA WARNINGS:

Subject Luis Heberto Madrigal Jr. was read his Miranda rights as per service form I-214 and he acknowledged and signed that he fully understood his rights. Heberto Madrigal Jr. was willing to answer any questions without an Attorney being present.

PRINCIPALS SWORN STATEMENT SYNOPSIS:

Heberto MADRIGAL Jr. stated that he was a United States Citizen. MADRIGAL Jr. stated that he currently lives in San Antonio, Texas, but was born in Laredo, Texas. MADRIGAL Jr. stated that on the morning of 08/08/2014 when he was encountered near Oilton, Texas, he was picking peyote. MADRIGAL Jr. stated that a friend gave him a ride from Laredo, Texas to Oilton, Texas. MADRIGAL Jr. also stated that he has family members in Oilton, Texas and in Mirando City, Texas. MADRIGAL Jr. stated that while he was picking peyote, he noticed several people laying down under a tree. MADRIGAL Jr. approached the people and asked them if they were okay. MADRIGAL Jr. stated that while talking to the people, he heard noises and saw lights. MADRIGAL Jr. stated that he got scared and ran away from the group of people. MADRIGAL Jr. stated that he didn't know the people were illegally present in the United States. MADRIGAL Jr. stated that he was wearing a flashlight attached to his forehead and that he was wearing a grey shirt on top of the white shirt he was currently wearing. MADRIGAL Jr. stated that he threw away the grey shirt because it was dirty.

MATERIAL WITNESS # 1 STATEMENT:

Mateo GONZALEZ Torres stated that he was a national and citizen of Mexico. GONZALEZ Torres stated that he illegally crossed into the United States through Laredo, Texas and stated that his friend made the arrangements with unknown people in Mexico to be crossed illegally into the United States. GONZALEZ Torres stated that after crossing the river, he walked through the brush for about three hours. After walking for three hours, he arrived at a house and he remained at that house for about 24 hours waiting to get picked up along seven other undocumented immigrants. After being in that house for 24 hours, GONZALEZ Torres stated a blue car arrived picked him up with another immigrant. After driving for 30 minutes in the blue car, the blue car pulled to the side of the road. At that time, GONZALEZ Torres and the other immigrant were told to get out and walk into the brush. GONZALEZ

Torres was not able to identify the location where they were dropped off. When GONZALEZ Torres went inside the brush, he saw six other people who he met back in the house and another individual who was the brush guide. GONZALEZ Torres stated that he was able to see that the brush guide was wearing a grey shirt with a white shirt underneath and a flashlight attached to his forehead.

GONZALEZ Torres stated that the brush guide instructed them to walk in a line and to follow him. GONZALEZ Torres also stated that the brush guide knew they were illegal because he told them that they were going to walk around the immigration checkpoint in order to avoid inspection and get picked up on the other side of the checkpoint. GONZALEZ Torres stated that after he was arrested, he was able to see the brush guide being apprehended as well.

GONZALEZ Torres stated that the brush guide was detained with him in the same location. GONZALEZ Torres was able to identify the brush guide later identified as MADRIGAL Jr., Heberto. GONZALEZ Torres was able to pin point the detention cell where MADRIGAL Jr. was confined. GONZALEZ Torres also stated that he was going pay \$3,500 U.S. dollars once he arrived in Houston, Texas. GONZALEZ Torres stated that he did not make financial arrangements with MADRIGAL Jr. GONZALEZ Torres stated that his friend made the arrangements with other people and that he knew these people were going to pay MADRIGAL Jr.

MATERIAL WITNESS # 2 STATEMENT:

Jordi BENTUROSOS Perez stated that he was a national and citizen of Peru. BENTUROSOS Perez stated that he illegally crossed into the United States through Laredo, Texas. BENTUROSOS Perez stated that his godfather, Juan Emilio Zapata made the arrangements with a man nicked named "La Rana," in Nuevo Laredo, Mexico to help him cross the Rio Grande River. BENTUROSOS Perez stated that after crossing the river, he walked to a bus station where a recreation vehicle was waiting to pick him up along with seven other people. BENTUROSOS Perez stated that the recreation vehicle drove him to a mobile home trailer at an unknown location in Laredo, Texas and after spending almost two days in Laredo, Texas, a white pick-up truck picked them up.

BENTUROSOS Perez stated that he remained in the white truck for about an hour and was dropped off in the brush near a highway. The driver of the white pick-up truck told BENTUROSOS Perez and the other immigrants to get in the brush and wait for a man. BENTUROSOS Perez stated that they waited in the brush for almost 45 minutes. After 45 minutes of waiting in the brush, the brush guide showed up and instructed BENTUROSOS Perez and the other immigrants to follow him. BENTUROSOS Perez stated that he walked behind the brush guide until they were apprehended by Border Patrol Agents.

BENTUROSOS Perez stated that their brush guide ran away as soon as he saw the Border Patrol agents. BENTUROSOS Perez informed BPAs that their brush guide was detained with him and was able to positively identify the brush guide as MADRIGAL Jr., Heberto. BENTUROSOS Perez stated that he did not make financial arrangements with Heberto MADRIGAL Jr and that his godfather was going to pay for his trip.

SUBSRIED and SWORN to before me this

11th

day of

August



Signature of Judicial Officer



Signature of Complaint